

The Salisbury Planning Board held its regular meeting Tuesday, January 10, 2006, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Dr. Mark Beymer, Lou Manning, Brian Miller, Sandy Reitz, Albert Stout, Bryce Ulrich, Dr. Kelly Vance, Price Wagoner, Charlie Walters, and Diane Young

**ABSENT:** Bryan Duncan, Valarie Stewart

**STAFF:** Jim Behmer, Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, and Patrick Ritchie

Chairman Brian Miller called the meeting to order and offered the invocation. The minutes of the December 13, 2005, meeting were approved as published.

### **ZONING MAP AMENDMENTS**

- Courtesy Hearing
- Board discussion
- Board action

**Z-18-05,** Todd Hildebran - Fountain Quarters Development Citrus Holdings I, LLC

**LOCATION:** Multiple addresses along W. Innes Street, Jake Alexander Boulevard N. and White Farm Road--both sides of Jake Alexander Boulevard N. up to intersection with W. Innes Street (Hwy 601) and along south side of White Farm Road.

**From:** A-1, R-8, R-20, B-7

**To:** RD-A, B-4, B-1

**Parcel:** 320-067, 069, 073, 116, 245, 263

**Acres:** 126.61

Charlie Walters asked to recuse himself because he owns property adjacent to this case; the Board agreed to allow him to do so. Brian Miller opened the Courtesy Hearing.

Preston Mitchell made a presentation for staff. The presentation included a photo tour and maps of the area. This is Salisbury's final rezoning case for 2005.

### **From Zoning Districts**

A-1 district: Intended primarily for farms, forestry, and agricultural endeavors

R-20 district:

- Primarily single-family residential on large lots
- Customary accessory uses
- Water and Sewer may be responsibility of owner
- Very low density

R-8 district:

- Primarily single-family residential
- Customary accessory uses
- Low-medium density

B-7 district:

- “Limited” business district because of Group Development requirement
- Concentrated commercial, mainly retail, serving a regional area – e.g. Salisbury Mall

### **To Zoning Districts**

RD-A district: (Primary requested zoning district)

- Residential with ability for different housing types
- Single-family
- Duplex
- Multi-family
- Allows for higher density
- Flexibility in design/creative approach to use and physical development
- Efficient use of land for lower costs

B-1 district:

- Primarily for office and institutional uses
- Generally no stock or retail trade

B-4 district:

- High traffic volume commercial
- Office, services, retail, etc.
- Usually associated with major thoroughfares (White Farm is not a Major Thoroughfare; W. Innes Street, Hwy 601, Jake Alexander Boulevard are).

Mr. Mitchell explained the commercial impact to the area. He feels that a regional draw is too much and it should be scaled back to a community level.

### **Vision 2020 Comprehensive Plan**

#### *Growth Strategy*

- Located in primary growth area
- Reaches to edge of current ETJ
- Area exhibits elements of secondary growth
- Rural in character/development patterns
- Very low rural density
- No water and sewer service

*Neighborhood and Village Community Concept*

- Although elements of both primary and secondary growth areas, request for mixing of zoning districts is supported by staff
- Strictly residential zoning is not the best use of land
- The one quarter-acre size of the site is perfect for the mixing of residential, commercial, and open space
- Major intersection can provide local goods and services

*Water and Sewer*

- Neither water nor sewer currently serve site
- SRU Extension Policy requires connections to furthest property corner
- “Most likely the developer to pay 100 percent of connection costs”
- Extension policy also requires annexation of development into the City

**Staff Recommendation**

*Approve subject to the proposed Rezoning Plan being amended to downzone the B-4 district to a B-1 or RD-A district along the principle stretch of West Innes Street less the major corners; and subject to the plan being amended to shift the majority of B-4 district and B-1 district from the south side of Jake Alexander Boulevard eastward towards the intersection of Jake Alexander Boulevard and W. Innes Street.*

*Those speaking in favor:*

**Todd Hildebran**, 240 McIntosh Lane, is a principal in the development company for this project. They used the Vision 2020 Comprehensive Plan in the development of their plan. They believe that community appearance, citizen participation, as well as public and private partnerships are key points in community developments. The zonings they are asking for will allow for a variety of market segmentations. The initial phase will focus on a retirement community for over 200 active senior residents. The adjustment also allows for business development along the key entrance to northwest Salisbury. The development will be known as Fountain Quarters and will be voluntarily annexed into the city. If approved, they plan to break ground at the end of the year.

This will be a complete neighborhood accessible by means other than automobiles. It includes large-scale commercial sites accessible by walking, golf carts, bikeways, as well as, low impact exercise areas, fountains, sitting areas in natural settings, and a fenced dog-running area. City street tree master plans and open space will be utilized to conform to the Vision 2020 plan. There will be little to no wetland impact. If able, they propose a connection to the greenway trail.

They had an information meeting with residents whose concerns included increased taxes and traffic concerns.

*Those speaking in opposition:*

**Hayden Simmerson** of 675 White Farm Road since 1954 had many concerns about traffic. His son, who shares his concerns, lives at 745 White Farm. They see this as a toxic cocktail and a poor fit for their rural community. He feels that this will have a negative impact on the environment. This impacts his lifestyle greatly.

**Larry Young** of 625 White Farm Road stated that he and his wife Betty did not know about the meeting with residents. He also has concerns about the traffic impact on the area. He is disabled and cannot afford to pay increased taxes should his property be annexed as a result of this proposed development. He likes this area the way it is. He sees a potential problem with water drainage.

**Betty Myers** of 945 West Ridge Road spoke on behalf of Larry Myers (3665 US Hwy 601). He is opposed to development and, if approved, requests a 10-foot fence completely around his property on US Hwy 601. He has concerns about how the proposed entrances on Hwy 601 will affect his property. (Since this is a rezoning and not a site plan discussion, the answer could not be determined at this meeting.)

**Harold Poole** of 310 Winterlocken Drive is retired from the City Planning Department. He complimented the developer for having the meeting with residents last week and for his sensitivity to the Salisbury Vision 2020 Comprehensive Plan. Mr. Poole supported staff recommendations and had many positive reactions to the proposed plan. He does, however, have concerns about the B-4 strip commercial zoning along Hwy 601. It will be difficult to control what comes across to the east side; they will need individual curb cuts.

A General Development Overlay would at least give some site plan review. The other option would be B-7 that automatically calls for site plan review. Preferable to that would be the clustering of the development—probably at the intersection of Hwy 601 and Jake Alexander Boulevard N, with a small amount of commercial perhaps at White Farm Road and Hwy 601.

He also has some concerns about the section with over 90 acres in RD-A zoning (11 units per acre), which could produce up to 1,000 units of housing. Since the developer is proposing 283 units, Mr. Poole would rather see the area zoned RDB, which is five units per acre; that is comparable to the City's R-8 zoning.

**Willie Hosch** just purchased the property at 220 White Farm Road. He and his wife want to raise their grandchildren in the country. The traffic will be a hazard to the children.

**Betty Overcash** of 420 West Ridge Road stated that this is her first time to Planning Board and she found it very interesting and professional. For generations, her family has enjoyed living in the country and she does not want the area to change. She does not want to be annexed.

#### *Board Discussion*

Mark Beymer requested Salisbury Rowan Utilities (SRU) address the water extension issue. Jim Behmer stated that there is a 12-inch waterline that extends along Jake Alexander Boulevard and stops around Isenberg Elementary School; the proposal is to extend the waterline from there. The tap onto the City water would be a voluntary situation.

Bryce Ulrich asked about the voluntary annexation, "Would it only be for these developed parcels?" Joe Morris stated that this would be a satellite annexation and would bring potential future annexation of the surrounding area. Current laws allow cities to be relatively aggressive about annexations.

Lou Manning asked Dan Mikkelson to address the cut-through traffic on White Farm Road. Mr. Mikkelson stated that there would be more analysis at the time of a site plan review. The volume of traffic that is expected to occur in the future on both Jake Alexander Boulevard N and US 601 (W. Innes Street) will be so relatively high that the City of Salisbury's long-range transportation planning anticipates large volumes of traffic on both of those streets. Access management would occur during the site development plan. This development would not exceed what the City has planned for those major thoroughfares. The potential increase of the volume of traffic on White Farm Road is appropriate to be concerned about.

Diane Young acknowledged B-4 to B-1 eliminates retail. This would affect the shopping potential for area residents and detract from the "village" concept. Mr. Mitchell is suggesting the B-4 be scaled back but not eliminated.

Brian Miller asked staff to address the issue of buffering. David Phillips stated that buffering in order to separate RDA from the adjacent zoning would probably be a minimum of 15 feet. Planning Board could make a recommendation to be more restrictive.

Brian Miller stated that he is OK with the concept of the plan, but needs more information. This feels incomplete and looks like a committee discussion.

Albert Stout agreed with Mr. Miller. Lou Manning stated that this too significant a project to make a decision now and made a MOTION to send Z-18-05 to Legislative Committee B. Kelly Vance seconded the motion with all members VOTING AYE. The meeting will be Wednesday, January 18, 2006, at 7 a.m. and the meeting is open to the public at City Hall.

The Board agreed to bring Charlie Walters back to the Board.

Mr. Mitchell acknowledged the difficulty of this case. Staff has asked the developer to meet the intent of the proposed new code, should the new code be adopted. This is a great advertisement for the new code. Under the new code, the plan and the rezoning would be done at the same time.

## **GROUP DEVELOPMENTS**

- A. G-04-05** City of Salisbury Fire Station 4  
2325 Statesville Boulevard  
Tax Map 330, Parcel 144, Zoning B-7

Ms. Deb Young of the City of Salisbury submitted a revised site plan of a previously approved group development due to changes of the building footprint and elevation design. The change includes a plan for a single structure that has been repositioned on the lot. The property is located at 2325 Statesville Boulevard. All zoning criteria have been met. The Technical Review Committee recommends approval to the Salisbury planning Board of the application, as submitted.

Sandy Reitz made a MOTION to recommend approval of G-04-05 as submitted. Bryce Ulrich seconded the motion with all members VOTING AYE. (10-0)

**B. G-01-06** Cordon Development, Tract 1  
100 block of East 12<sup>th</sup> Street  
Tax Map 007, Parcel 074, Zoning: M-1

The developer is proposing to convert an approved Group Development Site Plan into a Subdivision of property. Under the original Group Development Site Plan, the old Duke Power Building was to have been divided off (as an exception to the Subdivision Ordinance), and the property on North Lee Street was to have been developed in four phases for warehousing. The warehouses would have had shared access, and landscaping would have been installed as each phase developed. The warehouses would *not* have been approved for sale as individual properties.

Under the current proposal, the land would be subdivided into three tracts. Staff finds the proposed subdivision plat to meet the standards for a minor plat subdivision.

Tract 1 includes the warehouse that was constructed as Phase 1 of the earlier proposal. Upon recordation of the subdivision plat, Tract 1 would be approved for sale as an individual property. It would also qualify as a Group Development because the building is larger than 10,000 square feet. It will require landscaping to be installed in accordance with current standards. Staff finds the Group Development Site Plan for Tract 1 will meet all code requirements.

Tract 2 includes the old Duke Power building, two existing smaller buildings, and the existing driveways and circulation routes to most of the property. Upon recordation of the subdivision plat, Tract 2 would be approved for sale as an individual property. It would also qualify as a Group Development because of multiple buildings on one property and because the main building is larger than 10,000 square feet. There are no proposed changes to existing development on Tract 2 at this time, so no Group Development Site Plan has been submitted for this property; however, if changes are proposed in the future, a Group Development Site Plan must be submitted and approved at that time.

Tract 3 is currently vacant. Upon recordation of the subdivision plat, it would be approved for sale as an individual property. Future development on Tract 3 may or may not qualify as a Group Development depending upon the nature of any proposed development.

The total site is significant to the North Main Street Small Area Plan. Staff has encouraged the developer to participate in the North Main Street Small Area Plan, but no meetings have been conducted since the submittal of this proposal. A North Main Street Small Area Plan design workshop is scheduled for January 19, at 6 p.m. at City Hall and the developer has been encouraged to attend.

The Technical Review Committee has not evaluated the merits of converting the previously approved Group Development Site Plan to a subdivision relative to the North Main Street Small Area Plan. The current proposal would be similar to Town Creek Commons in that each site will be developed independently of each other although they will share some common access.

If Planning Board recommends the current proposal for approval, it should take the following steps:

1. Recommend to City Council that the previously approved Group Development Site Plan, G-03-99, be rescinded. A condition of rescinding the plan shall be for the developer to submit the minor plat subdivision, S-01-06, to the City Council for approval and recordation of the plat following such approval.

Mark Beymer made a MOTION to recommend rescinding the previously approved Group Development Site Plan G-03-99, and that a condition that the minor plat subdivision S-01-06 is provided as mentioned above. Albert Stout seconded the motion with all members VOTING AYE. (10-0)

2. Recommend approval of Group Development Site plan G-01-06 for Tract 1. The site plan would then be forwarded for City Council's consideration January 17, 2006.

Lou Manning made a MOTION to recommend approval of Group Development Site plan G-01-06 for Tract 1 as submitted. Mark Beymer seconded the motion with all members VOTING AYE. (10-0)

## **COMMITTEES**

### **A. Report from Special Committee for 2006-07 Planning Board Goals**

Mr. Mitchell reported that the committee has met and the goals will be adopted at the next meeting. Minutes of that meeting were included in the Planning Board packet. The committee scheduled another meeting of the Special Committee Friday, January 13, at 7:30 a.m.

Brian Miller will present the Planning Board Goals to the City Council February 7.

### **B. North Main Small Area Plan**

Janet Gapen updated and summarized what has happened with the study groups in November. A design workshop is scheduled for January 19, at City Hall from 6-8 p.m. A senior landscape architect student from A&T (Adam) will participate in the meeting and make a presentation.

This neighborhood has proven to be very proactive and has a neighborhood watch program up and running. There is a great deal of interest from the residents to do some lane realignment. Residents feel that the transit system is under utilized. There are many

appearance issues for this gateway. They plan to do a “windshield survey” of housing conditions and use that information to identify problems with landlords. The Tenant and Landlord Handbook will be updated and adopted.

## **OTHER BOARD BUSINESS**

Legislative Committee A will meet January 13, at 8 a.m.

The Community Appearance Commission is sponsoring a neighborhood leadership brainstorming session January 18, at One Water Street from 4-5 p.m.

There are many events to take place on Martin Luther King Day, including the dedication of the Oakgrove/Freedman’s Cemetery. Planning Board was encouraged to attend these events.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:00 p.m.

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Brian Miller, Chairman

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Lou Manning, Vice Chairman

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Secretary, Diana Moghrabi